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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: June 8, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Closure of Certain Forest Roads, Alger County
Land Use Order of the Director Amendment No. 11 of 2009
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

Department staff is recommending the closure of a forest road located in the SE1/4 of the SW1/4 of Section 18, T47N, R17W, Munising Township, Alger County. The road must be closed for the following reason:

Two existing berms were constructed after a timber sale in 1997 in order to close off the road which was used for temporary access purposes. The berms have proven to be ineffective and the road has been reopened by users, including illegal ORV use, which is leading to soil damage. Alternative access to this area of state land is provided by other roads. Staff recommendations include the reconstruction of the berms and the closure of the road by a Land Use Order of the Director.

Department staff is also recommending the closure of a forest road located in Section 36, T47N, R17W, Munising Township, Alger County. The road must be closed for the following reasons:

The road is an overgrown old railroad grade that has previously been improved for timber sales and was subsequently blocked. The road to be closed is a spur off the old railroad grade that now serves as a snowmobile trail. The spur has been reopened by users and is contributing to illegal ORV use. In addition to preventing illegal ORV use, this closure will prevent further fragmentation of wildlife habitat. Staff recommendations include the closure of the road by utilizing earthen stump berms to block the old spur, and implementation of a Land Use Order of the Director to provide for enforcement of the closure.

NATURAL RESOURCES COMMISSION
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The Eastern Upper Peninsula (EUP) Ecoteam has been informed of the immediate need for these road closures. The closures have been reviewed and are supported by the EUP Ecoteam.

The proposed road closures are on state lands within the boundary covered under the Consent Decree (Decree) for the 1836 Treaty. As required under Appendix L, paragraph 14.5 of the Decree, the Tribes and persons listed in the Decree have been provided notification and an opportunity to comment on the proposed road closures.

Recommendation:

This order is being submitted for information and consideration. This item will appear on the Department's June 29, 2009 calendar and may be eligible for approval on August 13, 2009.

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

Ronald A. Olson, Chief
Parks and Recreation Division

Russ Mason, Ph.D., Chief
Wildlife Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

David Freed, Chief
Office of Land and Facilities

Armindia S. Koch
Resource Management Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 11 of 2009

By authority conferred on the Director of the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

4.6 Certain state-owned lands, Alger county, prohibited conduct.

Order 4.6. A person shall not do the following on state-owned lands within the SE1/4 of the SE1/4 of section 10, T45N R21W, and the NE1/4 of the NW1/4 and the NW1/4 of the NE1/4 of section 35, T45N R21W, **THE SE1/4 OF THE SW1/4 OF SECTION 18, T47N R17W, AND SECTION 36, T47N R17W**, Alger county:

(1) Operate a motorized vehicle, except under a written permit issued by the **DEPARTMENT'S** authorized representative.

This amended order shall be posted on or after August 14, 2009.

Issued on this 13th day of August, 2009.

Rebecca A. Humphries
Director